



**CITY OF HAVERHILL  
CITY COUNCIL AGENDA**

**Tuesday, April 7, 2015 at 7:00 PM  
City Council Chambers, Room 202**

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*Linda*

1. APPROVAL OF RECORDS OF THE PREVIOUS MEETING
2. ASSIGNMENT OF THE MINUTES REVIEW FOR THE NEXT MEETING
3. COMMUNICATIONS FROM THE MAYOR
4. COMMUNICATIONS AND REPORTS FROM CITY OFFICERS AND EMPLOYEES

NO SCHEDULE

5. UTILITY HEARING(S) AND RELATED ORDER(S)

NO SCHEDULE

6. APPOINTMENTS

**Confirming Appointments**

NO SCHEDULE

**Non-confirming Appointment**

NO SCHEDULE

**Resignations:**

NO SCHEDULE

7. **Petitions:**

- 7.1. Petition from Joan Parah, Program Director for *Rebuilding Together Greater Haverhill Inc* announcing the 23<sup>rd</sup> annual *Rebuilding Together Day*, Saturday, April 25<sup>th</sup>; and also requests certain fees be waived Attachment
- 7.2. Petition from Attorney Joseph P Sullivan for *Water Street/Waterfront LLC.*, Frank Franzone; requesting Special Permit approval to redevelop property located at 85 Water st; located in the *Waterfront Zoning District*; a proposed 59 unit multi-family building **Council Hearing May 19th**
- 7.3. Repetitive petition from Devon Tucker for Special Permit to sell 2 used cars at 7-9 East Broadway  
**Refer to Planning Board &  
Council Hearing June 2<sup>nd</sup>**



# CITY OF HAVERHILL CITY COUNCIL AGENDA

Tuesday, April 7, 2015 at 7:00 PM  
City Council Chambers, Room 202

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8. Applications:

8.1. One Day Liquor License

1. Catherine Standring, to sell beer & wine at Winnekenni Castle, Sunday, event on May 3<sup>rd</sup>;  
11 am to 3:00 pm Attachment

8.2. Applications for Permit

NO SCHEDULE

9. Tag Days

NO SCHEDULE

10. Annual License Renewals:

10.1. Buy & Sell Second Hand Articles

1. Jason Clarke      Used Office Furniture      143 Essex st      Attachment

Coin-ops

NO SCHEDULE

Sunday License

NO SCHEDULE

11. Hawker/Peddler:

NO SCHEDULE

12. Drainlayer 2015 License

1. William S Henderson

13. HEARINGS AND RELATED ORDERS

NO SCHEDULE



# CITY OF HAVERHILL CITY COUNCIL AGENDA

**Tuesday, April 7, 2015 at 7:00 PM**  
**City Council Chambers, Room 202**

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## **MOTIONS AND ORDER**

- 13.1 ORDER - Transfer \$7,700.00 from Treasurer/Collector-Tax Title Expense to Econ Development & Planning Director's Expense Attachment

## **14. Ordinances (File 10 Days)** **NO SCHEDULE**

## **15. UNFINISHED BUSINESS OF PRECEDING MEETINGS** **NO SCHEDULE**

## **16. MONTHLY REPORTS** **NO SCHEDULE**

## **17. Communications from Councillors**

- 17.1. Communication from Councillor Daly O'Brien requesting to introduce Tim Coco to discuss City Council audio and remote participation for Council meetings
- 17.2. Communication from Councillor Macek requesting to introduce Randy Townsend to discuss licensing of dogs
- 17.3. Communication from Councillor Barrett requesting to discuss increased traffic and speeding on Laurel av due to the changes on South Main st
- 17.4. Communication from Councillor Barrett requesting to discuss the increased traffic on Laurel av due to the MVRTA buses using this street to return to the garage Attachments

## **18. Resolutions and Proclamations** **NO SCHEDULE**

## **19. COUNCIL COMMITTEE REPORTS AND ANNOUNCEMENTS**

- 19.1 Councillor Macek submits the Minutes of the *Natural Resources and Public Property Committee* meeting held March 26<sup>th</sup> Attachment

## **20. DOCUMENTS REFERRED TO COMMITTEE STUDY**

## **21. ADJOURN**



GREATER HAVERHILL, INC.

7.1

To: City Council President, John Michitson

From: Joan Parah, Program Director

Dated: March 21, 2015

RE: Rebuilding Together Greater Haverhill, Inc. /Annual Rebuilding Day Program

Dear Council President Michitson,

On behalf of Rebuilding Together Greater Haverhill, Inc., board of directors, volunteers and homeowners we serve, we are announcing our annual Rebuilding Together Day on Saturday, April 25, 2015. We have gathered volunteers on the last Saturday in April for the last twenty-three years to perform much needed repairs, modifications, and improvements to low-income homeowners. As in the past, the purpose of a representative of Rebuilding Together coming before the Council is to request 1) the endorsement of the City Council for our 23<sup>rd</sup> year (First Rebuilding Together Day was in 1993); 2) invite all of the elected city officials and the members of the community to participate in the event; 3) the waiving of dumping fees for disposal of white goods (appliances), tires and leaves, relative to the program; 4) the city yard to remain open beyond regular hours so we can deliver yard waste and 5) if approved, notifying the City of Haverhill, Public Works and Health & Inspection departments of the Council's action to ensure full cooperation. We will provide a list of approved Rebuilding Together projects and addresses in advance and pay appropriate permit fees.

Each year we coordinate a community Rebuilding Day that over 100 volunteers participate in making repairs and modifications to nearly fifteen homes of those in greatest need. The event creates an opportunity for local companies and organizations to come together with members of the community to help their neighbors. The logistics of directing volunteers to each location efficiently is always a challenge. In addition to government grants, we receive foundation funding from local and national corporations, like Lowes, Sears Holdings, and local foundations and service organizations, like the George C. Wadleigh Foundation, and the Griffin-White Foundation, whose mission is to ensure the quality of life for all Haverhill citizens. The "heart" of our organization is the volunteers and smaller local businesses that donate their skills, time, building materials, supplies, food and beverages.

Please go to our web site: [www.RebuildingTogetherHaverhill.org](http://www.RebuildingTogetherHaverhill.org) for more information about our programs and to view our many participating and supporting organizations and community groups. Anyone wishing to volunteer can register at the website as well. We thank you for your interest and we hope to continue a partnership that is beneficial and rewarding to meet the mission of our organization, the City of Haverhill and community.

Sincerely,

Joan Parah, Program Director

Email: [rtogether@verizon.net](mailto:rtogether@verizon.net)

Website: [www.rebuildingtogetherhaverhill.org](http://www.rebuildingtogetherhaverhill.org)

Address: 10 Phoenix Row, Haverhill, MA 01832

Phone: 978-469-0800

Fax: 978-469-0833

**citycncl**

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**From:** rtogether@verizon.net  
**Sent:** Tuesday, March 24, 2015 3:05 PM  
**To:** citycncl@cityofhaverhill.com  
**Cc:** mike@mcsitemps.com  
**Subject:** letter to council  
**Attachments:** Letter to Council-RTD 2015.doc

Dear Barbara,  
Please include the attached annual letter to the agenda of a council meeting.  
Thank you,  
Sincerely,  
Joan Parah,  
Program Director

Rebuilding Together Greater Haverhill, Inc.  
10 Phoenix Row  
Haverhill, MA 01832  
978-469-0800 (phone)  
978-469-0833 (Fax)

Office and Mail at same address

Also find us at [www.rebuildingtogetherhaverhill.org](http://www.rebuildingtogetherhaverhill.org)  
and on Facebook!

MAY 19 2015

**JOSEPH P. SULLIVAN**

ATTORNEY AT LAW

246 HIGH STREET

NEWBURYPORT, MA 01950

TEL: 978-499-8900

FAX: 978-462-9061

7.2

March 30, 2015

Haverhill City Council  
John A. Mitchitson, President  
City Hall  
4 Summer Street  
Haverhill, MA 01830

Re: Application for Special Permit Approval  
59 Unit Multi-family Building  
85 Water Street, Haverhill, MA  
Water Street Waterfront LLC, Applicant/Owner

Mr. Mitchitson & Councillors:

I have the pleasure of representing Water Street Waterfront LLC in connection with its Application for Special Permit Approval for the redevelopment of the property located at 85 Water Street in Haverhill. Enclosed please find your filing fee of \$295.00 and the following materials in support of this application:

1. Artistic rendering of the proposed multi-family residential structure to house 59 dwelling units;
2. Conceptual site plan showing proposed improvements;
3. Site plan showing proposed expansion and improvements to River Rest Park which abuts to project location to the east;
4. Floor plans, parking plan, elevation plan and unit plans; and
5. Traffic Impact and Access Study prepared by Woodland Design Group.

This letter constitutes the supportive memorandum in connection with the special permit criteria set forth in Section 255-162 of the Haverhill Zoning Ordinance under the Waterfront Zoning District. The site is located within Sub-zone D of the Waterfront Zoning District which has the goal of (i) creating a vibrant and active entrance to the downtown; (ii) creation of view corridors from the street to the Merrimack River and (iii) creation of an active waterfront.

WATERFRONT ZONING DISTRICT

Because this proposal provides improved public access to both the Merrimack River and increases the area of the public park to the east of the site, the applicant seeks a density bonus under Section 255-165 of the Zoning Ordinance.

As shown in the above materials and set forth in this application, the proposed development meets all of these goals and the special permit criteria set forth below.

Section 255-162 of the Zoning Ordinance sets forth the following criteria:

***1. Physical access to or along the Merrimack River shall be provided pursuant to G.L. Ch. 40A S9. The ordinance shall be interpreted so as to encourage physical access by the public to the Merrimack River and to discourage developments which prevent or block physical access to the river. Any property that has a property boundary that abuts the Merrimack River shall provide the City with an easement or other legal mechanism at either the water's edge or in close proximity to the Merrimack River depending on the topography of the area. The easement shall include a 25 foot minimum temporary construction easement and a 15 foot minimum access easement within the boundaries of the temporary construction easement. Both easements shall be provided for the entire length of the property line or lines adjacent to the Merrimack River. Neither the temporary construction easement nor the access easement is required to be improved/constructed.***

The proposed development will greatly enhance physical public access to and enjoyment of the land along the Merrimack River. The site is directly abutted by Wall Street, a public way running along the Merrimack River which provides public access to the waterfront from Water Street. The applicant proposes to provide a permanent fifteen (15') foot pedestrian access from Water Street to the waterfront across the project site and to also provide easements allowing for the expansion of the park to the east.

***2. Visual corridors shall be provided to or along the Merrimack River. The visual corridors are not required to be open to the public and may contain trees or parking lots.***

The proposed development will protect view corridors from Water Street and in-fact will allow much better protection of vistas of the Merrimack River than the plan approved in 2003. This has been accomplished by reducing the total number of units to 59 from the 96 units originally approved for this site. Additionally, as stated above, the applicant proposes to provide actual physical access to the waterfront and improve the existing park to the east of the site.

***3. Primary building entrances shall be oriented toward the street, but buildings shall also have entrances facing the Merrimack River, which are subordinate in character and scale to the street entrance. For this purpose, subordinate shall mean that the entrance is smaller in height and width, and has fewer or simpler architectural elements.***

The proposed structure will have primary entrances on Water Street. A plaza on the rear first floor level of the structure will have entrances to the waterfront side of the building.

***4. All new buildings shall be constructed at the street edge with no front setback in order to complete the streetwall, except in Sub-zones E and G where a front setback is required.***

The project site is located within Sub-zone D of the Waterfront Zoning District. The proposed building will be aligned with the frontage of Water Street in conformity with this standard.

***5. Dumpsters, utility meters, mechanical units and service/loading areas shall be screened from view of both pedestrian areas and the Merrimack River. Furthermore, they shall not be located in the pedestrian right-of-way.***

All dumpsters, utility meters, mechanical units and service/loading areas will be screened from public view in conformity with this standard.

***6. Professional or Artist live/work units shall be designed to meet the specific needs of the artist occupants, such as, but not limited to the following: doorways and hallways should be oversize width to accommodate the moving of large objects; floors should be constructed to provide extra weight-bearing capacity; floors do not need to be finished; ceiling heights should allow for the creation of large works and equipment, including machinery and lighting.***

The Unit A and Unit B type floor plans include a study which can accommodate the needs of artist occupants and provide sufficient area and weight bearing capacity for artist equipment and artworks.

***7. Adequate municipal services shall be provided, including water, sewer, drainage, parks, and open space;***

The proposed development will not overburden any municipal services and will tie into existing water, sewer and drainage systems. Additionally, the proposed development will enhance access to the public park to the east of the site as well as to the waterfront by way of the proposed addition to the park and the proposed fifteen (15') easement.



***8. Public facilities and services shall be provided that are adequate to support the proposed development, such as schools, fire, emergency services, and police.***

The proposed development will not unduly burden public facilities serving the site such as schools, fire, emergency services and police protection.

***9. Adequate access points (ingress and egress) and routes to and from the property shall be provided to adjoining streets and ways so as to not cause a negative traffic impact.***

Vehicular access to and from the site are provided by way of an entrance only access point on Water Street on the westerly side of the property and by two-way access and egress point on the easterly portion of the property. A detailed traffic analysis prepared by Woodland Design Group and submitted with this application has determined that no significant impact on the nearby roadways and intersections will result from the proposed development.

***10. Mitigation shall be provided to create an adequate traffic circulation system in order to insure proper traffic control and to minimize hazards to public health and safety as a result of traffic.***

As stated above, a detailed traffic analysis by Woodland Design Group has concluded that there will be no significant impact on nearby roadways and intersections are a result of the proposed development. The applicant incorporates the traffic impact and access study prepared by Woodland Design Group by reference to this application. Based on the materials submitted with this application and the facts set forth above, the applicant respectfully requests this body to approve the development of the applicant's proposed improvements as set forth in the site plans and materials submitted.

The Applicant hereby waives the 65 day hearing right.

Respectfully submitted,



Joseph P. Sullivan, Esq.

Attorney for

Water Street Waterfront LLC,

Applicant/Owner

Enclosures

Devon Tucker  
70 Whittier Street  
Haverhill, MA  
01830

3/31/15

June 12  
2015

7.13

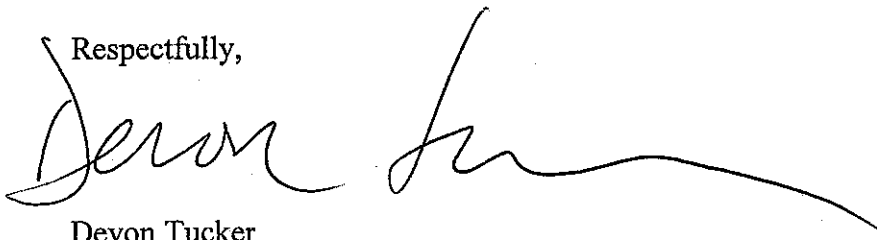
## Repetitive Petition

To the members of the City Council,

I Devon Tucker, ask the council to grant me a special permit for my property at 7<sup>th</sup> East Broadway, Haverhill, MA 01830. Currently we operate a full service garage and would like a permit to sell 2 cars, to be kept behind our privacy gates. Thank you for your consideration to this matter.

*I WAIVE THE SIXTY FIVE day period requirement*

Respectfully,



Devon Tucker

1-978-265-6163  
or

1-978-337-7020

Card 1 of 1

Location 9 EAST BROADWAY	Property Account Number	Parcel ID 424-153-2
		Old Parcel ID --

## Current Property Mailing Address

Owner AUTO ALLIANCE LLC  
Address 2024 QUAIL RIDGE RD

City RALEIGH  
State NC  
Zip 27609  
Zoning

## Current Property Sales Information

Sale Date 3/11/2004  
Sale Price 248,000

Legal Reference 22501-180  
Grantor(Seller) SMITHS FIRE EQUIP INC,

## Current Property Assessment

Year 2015  
Land Area 0.260 acres

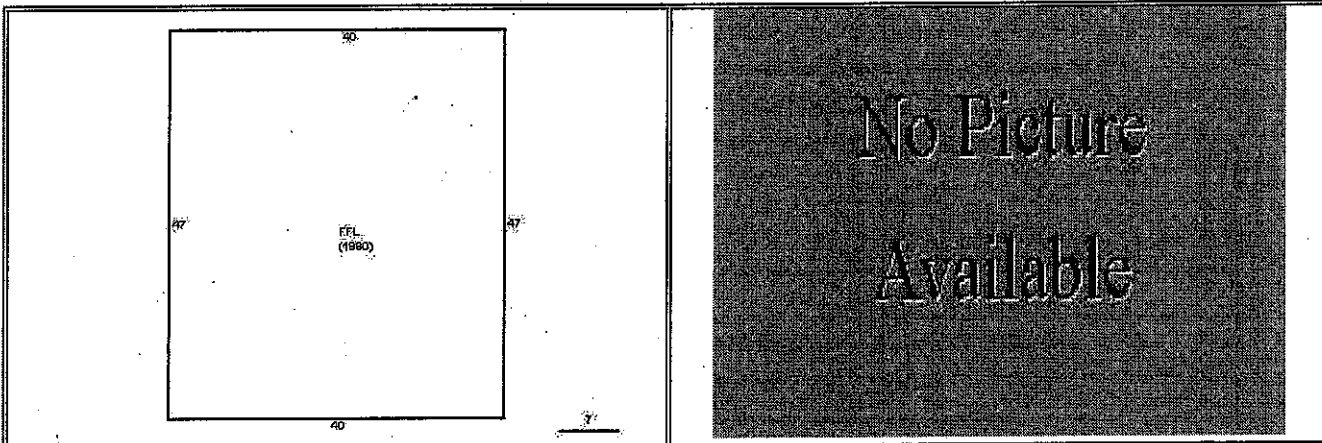
Card 1 Value  
Building Value 61,800  
Xtra Features Value 8,100  
Land Value 115,000  
Total Value 184,900

## Narrative Description

This property contains 0.260 acres of land mainly classified as COM WHS with a(n) REPAIR GAR style building, built about 1945 , having CONC BLOCK exterior and ASPHALT roof cover, with 1 unit(s), 0 total room(s), 0 total bedroom(s), 0 total bath(s), 1 total half bath(s), 0 total 3/4 bath(s).

## Legal Description

## Property Images

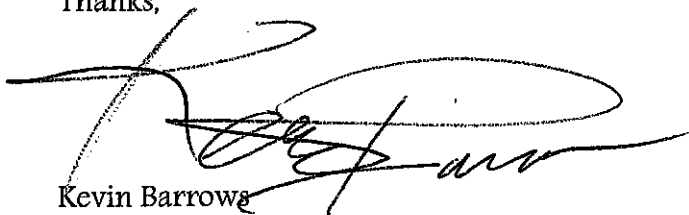


3/31/15

To whom it may concern,

I own the property at 7-9 East Broadway, and lease this to Devon Tucker. I give her my permission to apply for a permit to sell 2 cars at this location.

Thanks,

A handwritten signature in black ink, appearing to read 'Kevin Barrows', with a large, stylized initial 'K' and a long horizontal stroke extending to the right.

Kevin Barrows



RECEIVED

2015 MAR 30 AM 8 46

CITY CLERK'S OFFICE  
HAVERHILL, MA.

8.1  
**Haverhill**

City Clerk's Office, Room 118  
4 Summer Street Haverhill, MA 01830  
Phone: 978-374-2312 Fax: 978-373-8490  
[License\\_comm@cityofhaverhill.com](mailto:License_comm@cityofhaverhill.com)  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)

## ONE DAY LIQUOR LICENSE

### Business/ Organization Information

Business/Organization Name: \_\_\_\_\_

Address: \_\_\_\_\_

### Individual Applicant Information

Individual's Name: Catherine Standring/Robert Palmer  
Mailing Address: 12 Green Hill Rd, Exeter NH 03833  
Telephone: 603-265-0445

Is the Applicant a US Citizen? Yes ☐ No ☒

E-Mail Address: Cathy.Standring@yahoo.com

### Event Information

Date of Event: 5/3/2015

Start Time: 10:00 End Time: 3:00

Location of Event: Winnickenni Castle, Haverhill

Purpose of Event: Celebration of Life for Linda Palmer

Will there be music or entertainment? Yes ☒ No ☒ internet radio/M3P player

Is the event being catered? Yes ☒ No ☐

Name of Caterer: Butlers + Bars - Methuen Ma

Approximate number of People Attending

Adults: 50-75 Children: \_\_\_\_\_

### Type of License (circle one)

One-Day All-Alcoholic One-Day Beer and Wine Charitable Wine Pouring Charitable Wine Auction



# Haverhill

City Clerk's Office, Room 118  
4 Summer Street Haverhill, MA 01830  
Phone: 978-374-2312 Fax: 978-373-8490  
[License\\_comm@cityofhaverhill.com](mailto:License_comm@cityofhaverhill.com)  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)

## Purchase and Service

Is the alcohol being donated? Yes ☐ No ☒

Alcohol for a one day license cannot be donated. The alcohol must be purchased.

Where is the liquor being purchased from? TBD Newmarket Distribution Beer

Are they a licensed wholesaler? Yes ☒ No ☐ Martignone - Wine

Who will be serving the alcohol? Bullters + Bars

Does the server have liquor liability insurance? YES

## Determination of License Requirements

Is the event held by, or held for the benefit of a business or non-profit group?

	Yes	No
Business:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Non-Profit:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Will there be a cash bar?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is there an entrance fee or donation required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Is the event open to the general public?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**If the answer to ANY of these questions is YES:**

- A One-Day Special License is required. License applications must be put before the License Commission.
- If the event is on city property, approval from City Council and the Mayor is also required.
- The licensee must purchase all alcohol from a *wholesaler*.
- *A copy of the receipts for alcohol purchases are due to the City Clerk's office no later than 4 pm on the workday before the event.*

I certify under the pains and penalties of perjury that the above information is true and that I will comply with all applicable Alcohol Control Laws of the State of Massachusetts and policies and regulations of the City of Haverhill.

Signature: Catherine [Signature]

**Please contact the City Clerk's Office for any licensing questions**

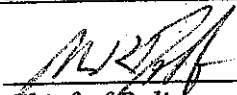
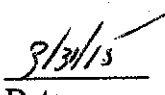


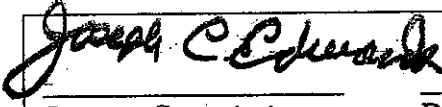
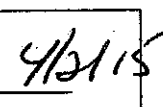
# Haverhill

City Clerk's Office, Room 118  
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Phone: 978-374-2312 Fax: 978-373-8490  
[License\\_comm@cityofhaverhill.com](mailto:License_comm@cityofhaverhill.com)  
[www.ci.haverhill.ma.us](http://www.ci.haverhill.ma.us)

## Official Use Only

### Approval

	
Chief of Police	Date

	
License Commission	Date

_____	_____
City Council (City Property)	Date

_____	_____
Mayor (City Property)	Date

Additional Conditions for License: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

# CITY OF HAVERHILL

10.1

Honorable President and Members of the Municipal Council:

The undersigned respectfully asks that they may receive a License:

Type of license Buy + sell Second hand office furniture

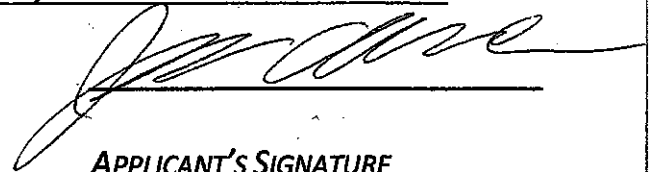
Name of business Jason Clarke

Type of business used office furniture

Address of business 143 Essex St

Jason Clarke

PRINT APPLICANT NAME



APPLICANT'S SIGNATURE

MAR 24 2015

HAVERHILL, \_\_\_\_\_, 2015

## OFFICE USE ONLY

☒ RENEW

No. 4

FEE 50.00

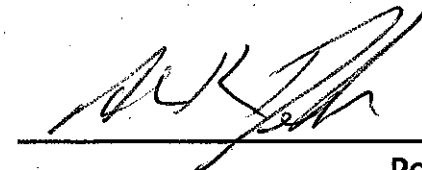
IN MUNICIPAL COUNCIL, \_\_\_\_\_, 2015

ATTEST:

APPROVED ✓

DENIED \_\_\_\_\_

\_\_\_\_\_, CITY CLERK



POLICE CHIEF

(IF NEEDED, OTHER DEPARTMENT SIGN-OFF)

MORE INFO ON BACK





# Haverhill

**City Clerk's Office, Room 118**

Phone: 978-374-2312 Fax: 978-373-8490

cityclerk@cityofhaverhill.com

Date 3/25/15

HONORABLE PRESIDENT AND MEMBERS OF THE MUNICIPAL COUNCIL:

1 12.

THE UNDERSIGNED RESPECTFULLY ASKS THAT HE MAY RECEIVE A LICENSE FOR **DRAINLAYER**

Drainlayer's Name: WILLIAM J. HENDERSON Signature: William J. Henderson

Business Name: G. HENDERSON CO., INC.

Business Address: 36 LUPINE RD

City Amesbury State MA Zip 01810

Business Phone: 978 490 0085 Fax:                     

*Must Complete Additional Personal Information on Back*

NEW/RENEWAL:

No. \_\_\_\_\_

Fee 100.

Bond on File: ✓

Approved \_\_\_\_\_

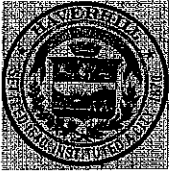
Denied \_\_\_\_\_

City Engineer

In Municipal Council, \_\_\_\_\_ 20 \_\_\_\_\_

Attest:

City Clerk



DOCUMENT

13.1

**CITY OF HAVERHILL**

In Municipal Council

ORDERED:

That the sum of **\$7,700.00** be transferred from the Treasurer/Collector-Tax Title Expense to Econ Development & Planning Director's Expense.

**Professional Peer Review Services, City of Haverhill**  
**85 Water Street Project**

Contract for Professional Services between  
The City of Haverhill and The Cecil Group, Inc.

This Agreement is by and between the City of Haverhill, 4 Summer Street, Haverhill, MA 01830 (herein called "Client") and The Cecil Group, Inc., 170 Milk Street, Suite 5, Boston, Massachusetts, 02109 (herein called the "Consultant"):

The Client desires to engage the Consultant to provide certain professional services.

The parties do mutually agree as follows:

1. The Consultant (including identified Subconsultants) shall perform the services specifically described in the attached Scope of Services and Schedule (Exhibit A).
2. If the Consultant determines that further specialized studies or consultant services are required; the Consultant will inform the Client. Should these services be provided through the Consultant as a subcontract, an amendment in Scope of Services and Compensation shall be prepared accordingly.
3. Client agrees to pay the Consultant as compensation for professional services called for in Exhibit B attached to this Agreement and according to the fees and conditions as described below.
  - Billings will be monthly and will be based on services provided. Consultant services may be suspended at its discretion if payment is not forthcoming in a timely fashion, and resumed when payment has been completed for all overdue invoices.
  - Direct costs will include printing, travel, photography, reproductions, computer plots, delivery service and other costs directly associated with the provision of these services, and will be separately reimbursed, including a standard 15% administrative fee for prepayment, handling, bookkeeping, invoicing and record keeping.
  - Payment will be due within 30 days of receipt of invoices.
  - Additional services or additional direct expenditures will be provided upon request at standard hourly rates or on another mutually agreeable basis. Additional tasks must be authorized by the Client in writing prior to proceeding.

4. All mutually agreed upon changes in the project tasks of the Consultant under this Agreement, including but not limited to any increase or decrease in the amount of the Consultant's compensation, shall be incorporated into amendments and subject to the same requirements as this Agreement.
5. The Consultant shall perform the services in a timely fashion that is consistent with professional standards of care. The project will be completed within three months of commencement of services unless otherwise agreed to by both parties. The ability to perform this schedule assumes timely scheduling of meetings and prompt review of submitted materials by Client.
6. The Cecil Group will commence services within seven (7) days of Execution of this Contract, or as otherwise directed by the Client.
7. In providing services under this Agreement, the Consultant will endeavor to perform in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.
8. If either party fails to fulfill, in timely and proper manner, its obligations under this Agreement, the other party shall thereupon have the right to terminate this Agreement with seven days written notice of such failure and termination to the other party. The Client may also choose to terminate this Agreement without cause at any time. In the event of termination of services, reproductions of all finished and unfinished documents prepared by the Consultant shall be delivered to the Client and the Consultant shall be entitled to receive just and equitable compensation for work completed on such materials.
9. The Consultant shall not assign or transfer this Agreement or interests in this Agreement without the consent of Client.
10. Client agrees that Client officers and staff will be available for consultation, for arranging meetings and coordinating communication with the representatives of Client, stakeholders, and others as necessary.
11. Client shall provide base information, research and studies that they have available for use during the provision of services, including any available surveys, maps, parcel maps, tax records indicating Ownership, street maps, engineering drawings concerning streets and utilities and other resources. The Consultant shall assume that the information provided by Client is reliable for the purposes of these services. All materials and information provided to the Consultant by Client under this contract shall remain the property of Client and shall be returned to Client upon completion of this contract or upon early termination of this contract.
12. Evaluations of the Construction Costs represent preliminary estimates and are based on the Consultant's judgment as a design professional familiar with the construction industry. It is recognized, however, that neither the Consultant nor the Client has

control over costs of labor, materials or equipment, or over market, bidding or negotiating conditions. Accordingly, the Consultant cannot and does not warrant that the actual Construction Cost will not vary from either the Consultant's evaluation or the Client's budget.

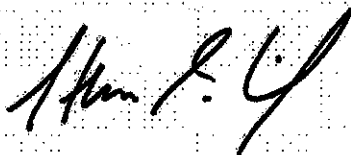
13. Both parties acknowledge that the Consultant's Scope of Services does not include any services related to asbestos or hazardous or toxic materials.
14. The Consultant agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Client and all officers and employees (collectively, Client) against all damages, liabilities or costs, including reasonable attorney's costs to the extent caused by the Consultant's negligent performance of professional services under this Agreement and that of its subconsultants or anyone for whom the Consultant is legally liable.
15. The Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Consultant, its officers, directors, employees and subconsultants (collectively, Consultant) against all damages, liabilities or costs, to the extent caused by the Client's negligence under this Agreement and that of its subconsultants or anyone for whom the Client is legally liable.
16. Neither the Client nor the Consultant shall be obligated to indemnify the other party in any manner whatsoever for the other party's own negligence.
17. Drawings, reports and other deliverables are Instruments of Service and the Consultant shall be deemed the authors and owners of these Instruments of Service, and shall retain all common law, statutory and other reserve rights, including copyrights.
18. Upon Execution of this Agreement, the Consultant grants to the Client a nonexclusive license to reproduce and use the Instruments of Service for the purposes of promoting, permitting, constructing, using and maintaining the Project.
19. Consultant shall provide and maintain insurance at its own expense until the completion of Consultant's Services as set forth below:
  - Worker's compensation insurance, as required by the laws of the Commonwealth of Massachusetts.
  - Employer's liability insurance with limits of at least \$1,000,000.00 for each occurrence and at least \$1,000,000.00 in the aggregate.
  - Comprehensive general liability insurance with limits of at least \$1,000,000.00 for each occurrence and at least \$1,000,000.00 in the aggregate.
  - Property damage liability insurance with limits of at least \$1,000,000.00 for each occurrence and at least \$2,000,000.00 in the aggregate.

- Automobile bodily injury and property damage liability insurance with limits of at least \$1,000,000.00 for each occurrence and at least \$1,000,000.00 in the aggregate.
- Contractual liability coverage insuring against Consultant's obligations under this Agreement with a limit of at least \$1,000,000.00 for each occurrence and at least \$2,000,000.00 in the aggregate.
- Professional liability insurance covering Consultant's errors and omissions with limits of at least \$1,000,000.00 for each occurrence and at least \$2,000,000.00 in the aggregate.
- Umbrella Coverage: At least \$1,000,000.00.

Agreed:

\_\_\_\_\_  
City of Haverhill, Massachusetts

\_\_\_\_\_  
Date



\_\_\_\_\_  
Steven G. Cecil AIA ASLA, President  
The Cecil Group, Inc.

April 1, 2015

Date

**Exhibit A: Scope of Services and Schedule**

**Professional Planning and Development Evaluation Services**

---

**85 Water Street**

**Overview**

The City of Haverhill is in the process of reviewing a proposal for multi-family residential development at 85 Water Street. This proposal includes the provision on public open space that must meet Waterfront Zoning standards and other provisions. The City has direct interests associated with its adjacent streets and ownership, including existing open space and access along Wall Street and an adjacent fire station.

**Scope of Services**

**Task 1: Review**

The Cecil Group will accomplish the following:

- Meet with the Mayor and City staff to discuss the project and the City's interests
- Visit the site
- Review drawings and documents regarding the project provided by the City
- Prepare a memorandum of findings and recommendations
- Communicate the contents of the memorandum to the Mayor and City staff

**Task 2: Additional Consultation**

Additional services that may be provided upon request and subject to the approved budget allocation may include:

- Preparation of design or planning recommendation drawings or diagrams
- Meetings with the project proponents
- Additional meetings with City representatives

### **Exhibit B**

### **Compensation**

Compensation is on an hourly lump basis for the tasks listed below. Estimates for each task have been provided, but costs within each task may vary. Additional services will be provided at The Cecil Group's standard hourly rates or another mutually agreeable basis, and will be confirmed in writing by both parties prior to proceeding.

Task	Estimated Fee
Task 1: Review	\$2,500
Task 2: Additional Consultation	\$5,000
<b>Total Authorized Professional Costs</b>	<b>\$7,500</b>
<b>Estimated Direct Costs</b>	<b>\$200</b>
<b>Total Estimated Costs</b>	<b>\$7,700</b>

### **Standard Hourly Rates**

When used as the basis for additional services, the following standard hourly rates shall apply:

\$175 per hour for Principals

\$ 140 per hour for Professional Level A (Senior Designers and Senior Project Managers)

\$ 115 per hour for Professional Level B (Project Managers and Senior Job Captains)

\$ 95 per hour for Professional Level C (Senior Professional Staff)

\$ 85 per hour for Professional Level D (Senior Technical Staff and Junior Professional Staff)

\$ 70 per hour for Professional Level E (Junior Technical Staff)





JAMES J. FIORENTINI  
MAYOR

CITY OF HAVERHILL  
MASSACHUSETTS

CITY HALL, ROOM 100  
FOUR SUMMER STREET  
HAVERHILL, MA 01830  
PHONE 978-374-2300  
FAX 978-373-7544  
MAYOR@CITYOFHAVERHILL.COM  
WWW.CI.HAVERHILL.MA.US

April 3, 2015

City Council President John A. Michitson and  
Members of the Haverhill City Council

RE: Transfer

Dear Mr. President and Members of the Haverhill City Council:

Enclosed please find an order to transfer \$7700 from the Treasurer/Collector- Tax Title Expense to Economic Development and Planning Expense.

This amount is for an architectural peer review for a project that has just been filed with the city for the Old Friends Landing site on Water Street.

The Council may recall that when we approve a new waterfront zoning act we made a provision for design review of the plans.

We should all be very excited that our new waterfront zoning has brought in its first major development. I am excited by the fact that this new development will give us public access to water in the park along the river.


However, I feel it is extremely important for every project along the water begin right. For that reason, I would like to take advantage of the provisions in the waterfront zoning to ask for an independent architectural review of the project.

I have contracted with the Cecil Group in Boston to provide an outside independent review of the project. I have already been working with the principal of the Cecil Group on the Ornsteen proposal. I have been impressed with his knowledge and expertise. A copy of his proposal is attached.

This transfer will allow the city to set up the account. Should the project go forward, we will ask the developer to reimburse the city as is standard in projects of this type.

The transfer order is attached and I recommend approval.

Very truly yours,

  
James J. Fiorentini, Mayor

**CITY COUNCIL**

JOHN A. MICHITSON  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
MELINDA E. BARRETT  
WILLIAM J. MACEK  
WILLIAM H. RYAN  
THOMAS J. SULLIVAN  
MARY ELLEN DALY O'BRIEN  
MICHAEL S. MCGONAGLE  
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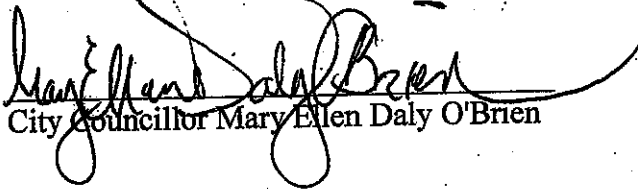
**CITY OF HAVERHILL**  
**HAVERHILL, MASSACHUSETTS 01830-5843**

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[citycnd@cityofhaverhill.com](mailto:citycnd@cityofhaverhill.com)

April 2, 2015

TO: Mr. President and Members of the City Council:

Councillor Mary Ellen Daly O'Brien would like to introduce Tim Coco to discuss City Council audio and remote participation for Council meetings.

  
City Councillor Mary Ellen Daly O'Brien



DOCUMENT 18

## CITY OF HAVERHILL

In Municipal Council January 15 2013

Backup

~~ORDERED~~

### MUNICIPAL ORDINANCE

### CHAPTER 66

#### AN ORDINANCE RELATING TO MEETINGS

BE IT ORDAINED by the City Council of the City of Haverhill that the Code of the City of Haverhill, Chapter 66, as amended, be and is hereby further amended by adding the following:

#### **"ARTICLE III Remote Participation**

##### **§66-3. Adoption of Remote Participation.**

Remote participation for all meetings of all local public bodies in the City of Haverhill shall be subject to the authorization of the Mayor. The Mayor's authorization shall be in writing and filed with the City Clerk. All such remote participation shall be conducted in accordance with the requirements of the Attorney General's Regulations 940 CMR 29.00 and this ordinance. Should any provision of this ordinance conflict with the Attorney General's Regulations, said regulations shall take precedence over the provisions of this ordinance. The Mayor may revoke adoption of remote participation by filing a written notice of revocation with the City Clerk.

##### **§66-4. Minimum Requirements for Remote Participation.**

- (a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;
  - (b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by M.G.L. c. 30A, sec 20(d);
  - (c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. c. 39, sec. 23D;
  - (d) A member may not participate remotely more than six (6) times in a calendar year.
-

18

**§66-5. Permissible Reasons for Remote Participation.**

If remote participation has been adopted by the Mayor, a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described below, if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

- (a) Personal illness;
- (b) Personal disability;
- (c) Emergency;
- (d) Military service; or
- (e) Geographic distance.

**§66-6. Technology.**

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation, if any, shall be borne by the member(s) remotely participating.

**§66-6. Procedures for Remote Participation.**

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person

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chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under §66-5 for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

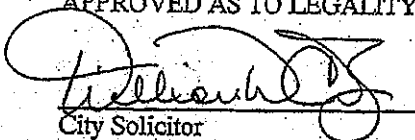
(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with M.G.L. c. 30A, sec. 22.

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

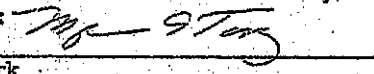
**§66-6. Severability.**

In case any section, paragraph or part of this ordinance is for any reason declared invalid or unconstitutional by any court, every other section, paragraph, and part shall continue in full force and effect.

APPROVED AS TO LEGALITY

  
City Solicitor

PLACED ON FILE for at least 10 days

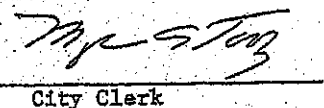
Attest:   
City Clerk

IN CITY COUNCIL: January 29 2013

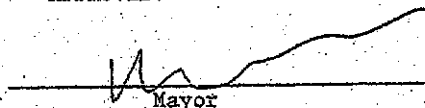
On motion of Councillor Macek to amend in accordance with Solicitor Cox's letter dated January 28, 2013.

That the numbers and words " 66-6. Procedures for Remote Participation." and " 66-6. Severability." be deleted and that the following be inserted in place thereof: " 66-7. Procedures for Remote Participation." and " 66-8. Severability."

MOTION PASSED AND PASSED AS AMENDED

Attest:   
City Clerk

APPROVED:

  
Mayor

**CITY COUNCIL**

JOHN A. MICHITSON  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
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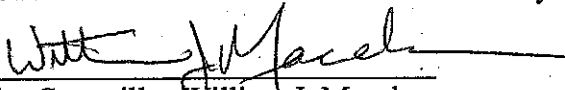
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www.ci.haverhill.ma.us  
citycnd@cityofhaverhill.com

April 2, 2014

TO: Mr. President and Members of the City Council:

Councillor Macek wishes to introduce Randy Townsend to discuss licensing of dogs.

  
City Councillor William J. Macek

**CITY COUNCIL**

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*PRESIDENT*  
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*VICE PRESIDENT*  
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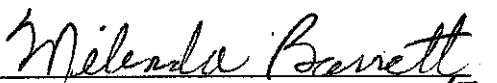
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[citycncd@cityofhaverhill.com](mailto:citycncd@cityofhaverhill.com)

April 2, 2015

TO: Mr. President and Members of the City Council:

Councillor Melinda Barrett requests to discuss the increased traffic and speeding on Laurel Avenue due to the changes on South Main Street.

  
City Councillor Melinda Barrett

**CITY COUNCIL**

JOHN A. MICHITSON  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
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citycnd@cityofhaverhill.com

April 2, 2015

TO: Mr. President and Members of the City Council:

Councillor Melinda Barrett requests to discuss the increased traffic on Laurel Avenue due to the MVRTA buses using this street to return to the garage.

  
City Councillor Melinda Barrett *ASA*



Dear MR Tim Haggerty and the MVRTA ,

The MVRTA busses have been speeding up and down Laurel Avenue from 5 AM – 6 AM, from 2-3PM and from roughly 7 PM – 9 PM five days a week. Enclosed are the signatures of the people of Laurel Avenue who signed a petition to re-route the bus traffic back over the Comeau Bridge. Despite numerous attempts by me and my fellow neighbors to stop the MVRTA bus drivers' reckless and dangerous driving, the MVRTA has shrugged off our concerns for public safety and done nothing to curb their recklessness. Further, the new Hunking School being built will greatly increase the level of trucks and heavy equipment traffic up Laurel Ave exacerbating this already dangerous situation.

The people of Laurel Avenue, already beaten down by the train layover are again being walked over by another transportation flaw which you can easily correct. We deserve better! For these reasons and more the people of Laurel Avenue need the busses re-routed back over the Comeau Bridge from where they came.

Please be aware that we are taking this to the city council, the mayor's office and if need be the local press, Fox news, channel 7 and anyone else whom can help highlight and rectify this callous disregard for the safety and concern of the people of Laurel Ave. We will be bringing our concerns to City Hall 4/14/15 or 4/21/15 depending on the school break.

Please assist us in fixing this very serious problem sooner as opposed to later. Thank you for your consideration.

Jack Welch

Spokesperson, Laurel Avenue Petitioners.

Dear MVRTA,

03/06/15

Enclosed are the names, addresses and signatures of people living on Laurel Avenue in Bradford, MA who are outraged at how your organization is recklessly speeding to and from your facility via Laurel Avenue.

We the residents of Laurel Avenue in Bradford, MA are very concerned about the safety of pedestrians, the safety of property, and the safety of pedestrians when your drivers speed to and from your facility via Laurel Avenue. Each of us have witnessed reckless driving countless times each morning as your busses race to their first pick up location and each evening when the busses are being returned to your garage for the night and during a two o clock shift change. The people of Laurel Ave want this reckless and dangerous behavior stopped. We fear that someone is going to regretfully be killed on this road by your bus and we want to go on record that this needs to stop. Ultimately the busses should resume their previously used route using the Comeau bridge.

In addition to being recklessly dangerous it is also disrespectful to your Laurel Avenue neighbors as well as to your MVRTA ridership. In addition to being shared with you, these letters with signatures will be sent to the Mayor and our State representative. If action is not taken within 15 days of your receiving these letter, we will contact the media to let them know of your failure to respond to our concerns.

Thank you for your consideration.

NAME	SIGNATURE	ADDRESS	DATE
<hr/>			

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03/06/15

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Thank you for your consideration.

NAME	SIGNATURE	ADDRESS	DATE
<hr/>			

John Wallace 57 Laurel Ave 3/28/15

Jane Rosich 67 Laurel Ave 3/28/15

NAME: Sonny Mac SIGNATURE: Sonny Mac ADDRESS: 69 Laurel Ave DATE: 4/28/15

NAME: Virginia Tanton SIGNATURE: ADDRESS: 70 Laurel Ave DATE: 3/28/15

Adam Graham 71 Laurel Ave, Haverhill, MA 01835 03/28/15

John Fias 73 Laurel Ave 3-28-14

GEORGI KRITIKOS 87 Laurel Ave Haverhill, MA 01835 3/31/15

NAME: Jason Latorella SIGNATURE: ADDRESS: 88 Laurel Ave DATE: 3-28-15

J Wallace Tam Walker 44 LAUREL AVE 3/28

Irish Sullivan 97 Laurel Ave 3/28/15

Lois A. McManis 98 LAUREL AVE 3-22-15



**CITY COUNCIL**

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**CITY OF HAVERHILL**  
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**MINUTES OF THE NATURAL RESOURCES AND PUBLIC  
PROPERTY COMMITTEE MEETING HELD ON MARCH 26, 2015**

A City Council/Natural Resources and Public Property Committee meeting was held on Thursday, March 26, 2015 at 7:00P.M. in the City Council office, Room #204, City Hall.

Committee Members present: Committee Chairperson William Macek, Councillors Sullivan and LePage.

The following item was discussed:

1) **Doc. # 125/14** – Petition from Brian S. Minkle requesting to purchase City land abutting his property on Crystal Lake Road, Assessor's Map 566, Block 2, Lot 11, said house is at 35 Mendum Road, 86 Crystal Lake Road, Assessor's Map 566, Block 2, Lot 7A. *Petitioner Brian S. Minkle was not in attendance to allow for adequate discussion relative to his request in relation to the Department Head responses. The Committee moved to continue this item to a future NRPP meeting on a date to be determined, and to request that the Council's Administrative Assistant forward all the Department Head's responses to Mr. Minkle asking him to review the responses and to then report back to the NRPP as to whether or not he was still interested in pursuing his prior request to purchase the City Land. Motion passed 3 to 0.*

Respectfully submitted,

William J. Macek, Chairperson  
Natural Resources and Public Property Committee  
Haverhill City Council

April 3, 2015

WJM/bsa

c: Mayor James J. Fiorentini  
John Michitson, President, Haverhill City Council

## CITY COUNCIL

JOHN A. MICHITSON  
PRESIDENT  
ROBERT H. SCATAMACCHIA  
VICE PRESIDENT  
MELINDA E. BARRETT  
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## CITY OF HAVERHILL HAVERHILL, MASSACHUSETTS 01830-5843

### DOCUMENTS REFERRED TO COMMITTEE STUDY

4	Communication from Councillor Macek requesting a discussion regarding the proposed Monument Square traffic divider/island.	Planning & Dev.	1/3/12
102	Communication from Councillor Macek requesting to discuss the Taxicab and Buses Ordinance	Administration & Finance	10/15/13
102-H	Communication from Councillor Macek requesting to propose the establishment of an Adult and Senior Fitness Park	NRPP	10/29/13
84 & 84A/13	Ordinance re: Zoning, Amend City Code, Ch. 255, Table of Use & Parking Regulations Page 8; to allow Medical Marijuana Dispensary/Treatment centers to be located only in our business parks	Transferred to Administration & Finance	2/11/14
55-E	Communication from Councillor Macek – necessary repairs on the Clement Farm property leased to American Legion	NRPP	6/17/14
55-F	Communication from Councillor Daly O'Brien re: Street noise increasing on Essex St. and Washington St. area	Public Safety	6/17/14
55-U	Communication from President Michitson requesting to address comprehensive vision, plan & process – critical information for City Council to determine needs/gaps, solutions and spending priorities for Haverhill	A & F	8/19/14
55-X	Communication from Councillor Sullivan regarding a Jr. Park Ranger Sumer Program	Public Safety	8/19/14
90	Ordinance Relating to Peddling and Soliciting, Section 191—9 Licenses add at end of subsection A: permitted to Locations: "Food Trucks of any size may be allowed at all permitted fixed location with approval from City Council"	A & F	9/2/14
125	Petition from Brian S. Minkle requesting to purchase City land abutting his property on Crystal Lake Rd., Assessor's Map 566, Block 2, Lot 11, said house is at 35 Mendum Rd/ 86 Crystal Lake Rd, Assessor's Map 566, Block 2, Lot 7A	NRPP	12/2/14
10-B	Communication from Councillor Barrett requesting to discuss lack of City representation on HC Media Board of Directors	A & F	1/6/15
10-J	Communication from Councilor LePage requesting to discuss tag days	Public Safety	2/10/15
10-N	Communication from Councillor McGonagle requesting to introduce a representative from Haverhill Fire Dept. Safety Committee to give status update on rescue truck	Public Safety	3/3/15
36	Ordinance re: Vehicles and Traffic – Amend City Code Ch. 240-108, Article XVI Parking Fees, Rates and Terms	A & F	3/31/15